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10 UNITED STATES OF AMERICA

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, ) Case No. CR 07-00457 RMW  
14 Plaintiff, )  
15 v. ) APPLICATION OF THE UNITED  
16 MICHAEL WAYNE GAITHER, ) STATES FOR A FINAL ORDER OF  
17 Defendant. ) FORFEITURE  
18

19 On November 29, 2007, the Court entered a Preliminary Order of Forfeiture forfeiting the  
20 defendant's right, title, and interest in

- 21 a. a Mosin Nagant, Model M44, 7.62 x 54rmm caliber rifle, serial number  
M44018448; and  
22 b. 32 rounds of 7.62 x 54rmm caliber ammunition

24 pursuant to Title 18, United States Code, Section 924 (d).

25 The Preliminary Order required the United States to publish notice of the Order and  
26 otherwise direct written notice to all persons known to have an interest in said property. On  
27 February 21, 28, and March 6, 2008, the United States published notice of the forfeiture action in  
28 The San Jose Mercury News, a newspaper of general circulation in the San Jose area, in

1 accordance with the law. The notice also advised potential third parties of their right to petition  
2 the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal  
3 interest in the property.

4 The United States represents that no petitions have been filed.

5 Therefore, the United States respectfully requests that the Court enter the proposed Final  
6 Order of Forfeiture, directing that the property described above be forfeited to the United States,  
7 pursuant to Title 18, United States Code, Section 924(d).

8 Dated: 3/31/08

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO  
10 United States Attorney

11 /S/  
12 STEPHANIE M. HINDS  
13 Assistant United States Attorney

1                   CERTIFICATE OF SERVICE

2       The undersigned hereby certifies that she is an employee of the Office of the United States  
3 Attorney for the Northern District of California and is a person of such age and discretion to be  
4 competent to serve papers. The undersigned further certifies that she caused a copy of the  
5 following documents

- 6       • **APPLICATION FOR A FINAL ORDER OF FORFEITURE;**  
7       • **[PROPOSED] FINAL ORDER OF FORFEITURE**

8 to be served via electronic mail upon the person(s) identified below at their last known place of  
9 address:

10 Nicholas P. Humy , AFPD  
11 Office of the Federal Public Defender  
11 160 West Santa Clara Street, Suite 575  
12 San Jose, CA 95113

12       I declare under penalty of perjury under the laws of the State of California that the foregoing  
13 is true and correct.

14       Executed this 1st day of April, 2008, at San Francisco, California.  
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18                   ALICIA CHIN  
19                   Paralegal/AFU  
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